



BOARD OF COUNTY COMMISSIONERS SHELBY COUNTY, TENNESSEE

AGENDA

Monday, November 17, 2008

*Commissioner Deidre Malone, Chairman
Commissioner Joyce Avery, Chairman Pro Tempore
Commissioner Henri E. Brooks
Commissioner Wyatt Bunker
Commissioner Mike Carpenter
Commissioner Sidney Chism
Commissioner George Flinn*

*Commissioner Joe Ford
Commissioner J.W. Gibson II
Commissioner James Harvey
Commissioner David Lillard
Commissioner Steve Mulroy
Commissioner Mike Ritz*

11/14/2008 2:54 PM

1:30 PM

COMMISSION CONVENES

CALL TO ORDER

Chairman Deidre Malone

OPENING OF THE COMMISSION

Deputy Sheriff

INVOCATION

**Dr. Tom Pickering
Cordova Presbyterian Church**

MOMENT OF SILENCE IN MEMORY OF MR. KENNETH PORTER AND MR. CRAIG ROBBINS

PLEDGE OF ALLEGIANCE

ROLL CALL

**Approval of Minutes of Previous Session
September 22, 2008**

CONSENT AGENDA

Resolutions of Memorial, Sympathy and Commendation

Ordinances

RITZ

Chairman, Land Use
Committee

1. [ORDINANCE - SECOND READING - A Joint Ordinance amending the Memphis and Shelby County Zoning Ordinance-Regulations adopted by the Shelby County Board of Commissioners on October 6, 1980, and by the Council of the City of Memphis on October 7, 1980, being Resolution and Ordinance No. 3064, as amended, so as to make certain changes therein as follows: Amend Appendix A, Zoning, Section 2 to add new definitions for financial services, title loan establishment and payday loan establishment. Amend Chart 1 by adding new use categories and use standards for pay day loan and title loan establishments. ZTA No. 08-001CC. Sponsored by Commissioner Carpenter. \(DEFERRED TO 12/3/08\)](#)

Zoning and Subdivisions

RITZ

Chairman, Land Use
Committee

2. [Resolution approving various subdivision contracts, plats, extensions, etc. as recommended by the County Engineer. a\) Resolution to approve the agreement to secure the improvements to Stonebriar PD, Phase 8, part of Area 7, \(P.D. 03-355 CC\) and authorize the recording of the plat when bonding procedures have been fulfilled. Sponsored by Commissioner Mike Ritz.](#)

Reports and/or Resolutions for Standing Committees

BUNKER

Chairman, Public
Works Committee

3. A resolution approving a contract in the amount of \$906,996.00 with Archimania for design and construction administration services for a mixed-use parking garage and underground utility infrastructure at the 157 Poplar Avenue site and this item requires an expenditure of county CIP funds in the amount of \$906,996.00. Sponsored by Commissioner Wyatt Bunker. (WITHDRAWN IN COMMITTEE)

FLINN

Vice-Chairman,
Hospitals and Health
Committee

4. A resolution requesting approval to amend the FY2008-2009 operating budget of the Immunizations Grant program in the amount of \$53,627.00 carried forward from FY 2007-2008 operating budget, and this item requires the expenditure of Federal Through State grant funds under the Immunizations grant in the amount of \$53,627.00. Resolution sponsored by Commissioner Joyce Avery.

FLINN

Vice-Chairman,
Hospitals and Health
Committee

5. A resolution approving an amendment to the FY2008-2009 operating budget of the Bioterrorism Preparedness Services Program Grant in the amount of \$51,000 and an amendment to the position control budget, and this item requires the expenditure of Federal Through State grant funds under the Bioterrorism Preparedness Services Grant Program in the amount of \$51,000. Resolution sponsored by Commissioner Joyce Avery.

CHISM

Chairman, Law
Enforcement
Committee

6. Resolution to approve an increase in approved positions for the District Attorney General's Office for the purpose of paying a state-paid Assistant District Attorney General a salary supplement in the amount of \$9,700.00 which shall be funded by moving previously approved county general funds in the budget of the District Attorney General. Sponsored by Commissioner David Lillard. (AMENDED IN COMMITTEE 11/12/08)

CHISM

Chairman, Law
Enforcement
Committee

7. Resolution approving a contract in an amount not to exceed \$449,960.00 with Lord & Company, Inc for the installation of bi-directional amplifiers in designated Shelby schools and this item requires expenditure of Federal Grant Funds in an amount not to exceed \$449,960.00. Sponsored by Commissioner Sidney Chism.

CHISM

Chairman, Law
Enforcement
Committee

8. Resolution approving amendment to FY 08-09 Fire Department Operating Budget, acceptance, and expenditure of grant funds from Wal-Mart of Millington, TN in the amount of \$1,000.00 and an amount not to exceed \$122.00 from Fire Department Funds for the purchase of annual maintenance and updates to the Hurst Jaws of Life Corporation's Crash Recovery System Database. This resolution sponsored by Commissioner Sidney Chism.

CHISM

Chairman, Law
Enforcement
Committee

9. Resolution approving the purchase of a portable generator from Thompson Machinery for the Shelby County Sheriff's Office Homeland Security Division located at 994 Bellevue and appropriating funds in the amount of \$143,700.00 and this item requires expenditure of Federal Grant Funds in an amount not to exceed \$143,700.00. Sponsored by Commissioner Sidney Chism.

CHISM

Chairman, Law
Enforcement
Committee

10. Resolution amending the FY 2009 Operating Budget and amending the position control budget authorizing the Shelby County Mayor to execute a grant agreement with the Supreme Court of Tennessee Administrative Office of the Courts for the Juvenile Court Child Support Mediation Program in the amount of \$30,000.00 and this item requires expenditure of state grant funds in the amount of \$30,000.00. Sponsored by Commissioner Sidney Chism.

CHISM

Chairman, Law
Enforcement
Committee

11. A resolution approving the expenditure of funds by the Office of Preparedness FY 08-09 Operating Budget in the amount of \$184,130.00 to All American Waste Services, Inc. for portable toilets and shower trailers used at the community center shelters during Hurricane Gustav sheltering operation and this item requires the expenditure of Federal Pass Thru Grant Funds under the Federal Emergency Management Agency (FEMA) Disaster Assistance Policy, the Military Department of Tennessee and the Tennessee Emergency Management Agency in the amount of \$184,130.00. Sponsored by Commissioner Sidney Chism.

CHISM

Chairman, Law
Enforcement
Committee

12. A resolution amending the FY2008-2009 Operating Budget in the amount of \$2,000,000 for the evacuation and sheltering support of Hurricane Gustav evacuees and this item requires expenditures of Federal Pass Through Grant Funds under the Federal Emergency Management Agency (FEMA) Disaster Assistance Policy, the Military Department of Tennessee and the Tennessee Emergency Management Agency in the amount of \$2,000,000. Sponsored by Commissioner Sidney Chism.

CHISM

Chairman, Law
Enforcement
Committee

13. Resolution amending the FY 2008-2009 Shelby County Operating Budget for the Memphis and Shelby County Juvenile Court as per Exhibit A and B to approve the contract agreement with Shelby County Schools for the Safe Schools/Healthy Students Grant in the amount of \$29,967.00. Sponsored by Commissioner Sidney Chism.

CHISM

Chairman, Law
Enforcement
Committee

14. Resolution amending the FY 2008/2009 Operating Budget and Position Control Budget of the Juvenile Court of Memphis and Shelby County Governor's Initiative Grant to reallocate remaining grant funds with no change in the total grant budget. This resolution is sponsored by Commissioner Sidney Chism.

LILLARD

Chairman, Community
Services Committee

15. A resolution amending the FY'09 Operating Budget of the Head Start Program and amending the personnel Complement. Sponsored by Commissioner David Lillard. (DEFERRED IN COMMITTEE)

RITZ

Acting Chairman,
Conservation
Committee

16. A resolution approving an acceptance of funds in the amount of \$132,307.29 from the Shelby Farms Park Conservancy to fund architectural enhancements for the Shelby Farms Plough Park public restrooms facility improvement project and amending the FY 2009 CIP Budget. Sponsored by Commissioners Mike Carpenter and Wyatt Bunker.

RITZ

Acting Chairman,
Conservation
Committee

17. A resolution approving an amendment to Contract No. CA074493 in the amount of \$8,000.00 with Self Tucker Architects, Inc. for design services to provide architectural enhancements for the Shelby Farms Plough Park public restrooms facility project and this item requires an expenditure of donated funds in the amount of \$8,000.00. Sponsored by Commissioners Mike Carpenter and Wyatt Bunker.

RITZ

Acting Chairman,
Conservation
Committee

18. A resolution approving an amendment to Contract No. CA096873 in the amount of \$124,307.29 with Wagner General Contractors, Inc. for construction of architectural enhancements for the Shelby Farms Plough Park public restrooms facility project and this item requires an expenditure of donated funds in the amount of \$124,307.29. Sponsored by Commissioner Wyatt Bunker.

FORD

Chairman, General
Government
Committee

19. A resolution approving a contract in the amount of \$225,000.00 per year with the Segal Company for healthcare consulting services for Shelby County Government's employee healthcare programs - professional services and this item requires the expenditure of County Health Insurance Funds in the amount of \$175,000.00 and OPEB Trust Funds in the amount of \$50,000.00 for a total expenditure of \$225,000.00 per year. Sponsored by

Commissioner Ford.

FLINN

Chairman, Delinquent
Tax Property
Committee

20. A resolution approving the conveyance of an unimproved parcel of county owned Delinquent Tax Property, 6,181 square feet (0.142 Acres), more or less, in size, located at 2245 Howell Avenue, to A New Beginning Community Organization, Inc., a Tennessee Not-For-Profit Corporation, for nominal consideration; and to authorize the Mayor to execute a Quit Claim Deed conveying said parcel to A New Beginning Community Organization, Inc., a Tennessee Not-For-Profit Corporation, for its use in developing low income single family housing that will be owner occupied. Sponsored By Commissioner George S. Flinn, Jr.

FLINN

Chairman, Delinquent
Tax Property
Committee

21. A resolution approving the conveyance of an unimproved parcel of county owned Delinquent Tax Property 4,399 square feet (0.1010 acres), more or less, in size, located at 2384 Shasta Avenue, to Charity Outreach Ministries Empowerment Center, Inc., a Tennessee Not-For-Profit Corporation, for nominal consideration; and to authorize the Mayor to execute a Quit Claim Deed conveying said parcel to Charity Outreach Ministries Empowerment Center, Inc., a Tennessee Not-For-Profit Corporation, for its use in developing low income single family housing that will be owner occupied. Sponsored By Commissioner George S. Flinn, Jr.

FLINN

Chairman, Delinquent
Tax Property
Committee

22. A resolution approving the conveyance of an improved parcel of county owned Delinquent Tax Property, 13,939 square feet (0.32 acres), more or less, in size, located between the north end of Valerie Cove and the south side of Milton Wilson Road, approximately 125 feet west of Summer Meadows Lane, to the Town of Arlington, for nominal consideration; and to authorize the Mayor to execute a Quit Claim Deed conveying said parcel to the Town Of Arlington for its use as part of the town's public stormwater management system as a stormwater detention facility. Sponsored By Commissioner George S. Flinn, Jr.

FLINN

Chairman, Delinquent
Tax Property
Committee

23. Resolution approving the sale of nine (9) county owned Delinquent Tax Parcels, acquired from Shelby County Trustee Tax Sale Nos. 0203, 0205, 0206, 0302, 0306 and 0401, to identified purchasers at various prices collectively totaling \$54,500.00, pursuant to the Sale Provisions of T.C.A. §67-5-2507. Sponsored By Commissioner George S. Flinn, Jr.

FLINN

Chairman, Delinquent
Tax Property
Committee

24. Resolution approving the sale of six (6) county owned Delinquent Tax Parcels, acquired from Shelby County Trustee Tax Sale Nos. 0053, 89.6, 0205, 0206, and 0402, to identified purchasers at various prices collectively totaling \$13,500.00, pursuant to the sale provisions of T.C.A. §67-5-2507. Sponsored By Commissioner George S. Flinn, Jr.

FLINN

Chairman, Delinquent
Tax Property
Committee

25. A resolution approving the conveyance of an unimproved parcel of county owned Delinquent Tax Property 4,965 square feet (0.1140 acres), more or less, in size, located at 2636 Pershing Avenue, to Habitat For Humanity of Greater Memphis, Inc., a Tennessee not-for-profit corporation, for nominal consideration; and to authorize the Mayor to execute a Quit Claim Deed conveying said parcel to Habitat For Humanity of Greater Memphis, Inc., a Tennessee not-for-profit corporation, for its use in developing low income single family housing that will be owner occupied. Sponsored By Commissioner George S. Flinn, Jr.

R E G U L A R A G E N D A

Elections, Appointments, and Confirmations

FORD

Chairman, General
Government
Committee

26. [Resolution approving the County Mayor's nomination of Daniel P. Dow for appointment and Lynda W. Raiford for reappointment to the Memphis and Shelby County Board of Adjustment. Sponsored by Commissioner Joe Ford.](#)

FORD

Chairman, General
Government
Committee

27. [Resolution approving the County Mayor's nomination of Mauricio Clavo, Doug Imig, Eva Mosby, Heather Stephens, and Lois Williams for appointment and Michelle Sanders for reappointment to the Shelby County Head Start Policy Council Community Advisory Board. Sponsored by Commissioner Joe Ford.](#)

FORD

Chairman, General
Government
Committee

28. [Resolution approving the County Mayor's nomination of Molly Glover for appointment to the Shelby County Ethics Commission. Sponsored by Commissioner Joe Ford.](#)

FORD

Chairman, General
Government
Committee

29. [Resolution approving the County Mayor's nomination of Jason Fair and Lee A. Jackson for reappointment to the Memphis and Shelby County Convention Center Commission. This resolution is sponsored by Commissioner Joe Ford.](#)

Ordinances**FORD**

Chairman, General
Government
Committee

30. [ORDINANCE- THIRD READING - An Ordinance to Adopt Supplement No. 34 to the Code of Shelby County, Tennessee. Sponsored by Commissioner Joe Ford.](#)

FORD

Chairman, General
Government
Committee

31. [ORDINANCE - THIRD READING - An Ordinance to Adopt Supplement No. 35 to the Code of Shelby County, Tennessee. Sponsored by Commissioner Joe Ford.](#)

Zoning and Subdivisions

Reports and/or Resolutions for Standing Committees

BUNKER

Chairman, Public
Works Committee

32. Resolution to Approve Amendment to a Long Term Land Lease, Development and Use Agreement between Shelby County and the Shelby County 911 Emergency Communications Board to reduce the amount of land leased from 15.00 acres to 5.00 acres. Sponsored by Commissioner Wyatt Bunker. (DEFERRED TO 12/3/08)

BUNKER

Chairman, Public
Works Committee

33. Resolution approving the sale of 10.7 acres, more or less, of improved real property, known as the Shelby Training Center, located at 3420 Old Getwell Road to Corrections Corporation of America for \$150,000.00. Sponsored By Commissioner Wyatt Bunker.

CHISM

Chairman, Law
Enforcement
Committee

34. A resolution approving the expenditure of funds in the amount \$859,257.78 for procuring vehicles for the Shelby County Sheriff's Office fleet and this item requires the expenditure of County General Funds in the amount of \$639,234.18 and Sheriff's Office Narcotics Funds in the amount of \$220,023.60, for a total of \$859,257.78. Sponsored by Commissioner Sidney Chism. (AMENDED IN COMMITTEE 11/12/08)

GIBSON

Chairman, Budget and
Finance Committee

35. Resolution to clarify the intent of the Board of County Commissioners setting the 2008 tax rate as it relates to education funding and stating its intent for next year's tax rate. Sponsored by Chairman Deidre Malone. (AMENDED IN COMMITTEE AND DEFERRED TO 11/19/08)

HARVEY
Chairman, Economic
Development
Committee

36. [Resolution authorizing the County Mayor to execute the Pyramid Development Agreement with the City of Memphis and Bass Pro Memphis Development Company, LLC for the Pyramid arena. Sponsored by Chairman Deidre Malone. \(FAILED IN COMMITTEE 11/12/08\)](#)

FORD
Chairman, General
Government
Committee

37. [Resolution to grant one-time cost of living bonuses in November, 2008 to certain Plan B retirees. Sponsored by Commissioner Joe Ford.](#)

LILLARD
Vice-Chairman,
Legislative Committee

38. [Resolution by the board of Commissioners of Shelby County, Tennessee, requesting the members of the Tennessee General Assembly to support legislation amending Tennessee Code Annotated, Title 62, Chapter 5, Section 102, relative to the exemption of cemeteries owned by municipalities or county governments from the provisions of Funeral Directors and Embalmers Act as enumerated in Tennessee Code Annotated, Title 62, Chapter 5, Section 101 Et. Seq. Sponsored by Commissioner Joyce Avery.](#)

LILLARD
Vice-Chairman,
Legislative Committee

39. [Resolution by the Board of Commissioners of Shelby County, Tennessee, requesting the members of the Tennessee General Assembly to support legislation amending Tennessee Code Annotated, Title 67, Chapter 5, Section 2509\(d\) relative to conveying properties to adjoining property owners. Sponsored by Commissioner Henri Brooks. \(AMENDED IN COMMITTEE 11/12/08\)](#)

LILLARD
Vice-Chairman,
Legislative Committee

40. [Resolution by the Board of Commissioners of Shelby County, Tennessee, requesting the members of the Tennessee General Assembly to support legislation amending Tennessee Code Annotated, Title 67, Chapter 5, Section 2509\(d\)\(4\) relative to gifting properties to nonprofit community development organizations. Sponsored by Commissioner Henri Brooks.](#)

LILLARD
Vice-Chairman,
Legislative Committee

41. [Resolution by the Board of Commissioners of Shelby County, Tennessee, requesting the members of the Tennessee General Assembly to support legislation amending Tennessee Code Annotated Title 8, Chapter 21, Section 401, relative to the collection and administration of court costs, taxes, fines and fees charged to the State of Tennessee. Sponsored by Chairman Deidre Malone.](#)

Announcements/Statements

42. Notification from County Mayor of appointments/reappointments to various Boards, Commissions, and offices of Shelby County Government. a) Resolution approving the County Mayor's nomination of James A. Hutcheson, Pamela D. Beasley, Richard D. Phillips, Sr., Warren C. Funk, Tonya M. Meeks, and Alycia Carter Peoples for appointment to the Shelby County Conservation Board. Sponsored by Commissioner Joe Ford. b) Resolution approving the County Mayor's nomination of Carter Hord and Ralph Richardson for reappointment to the Memphis and Shelby County Building Code Board. Sponsored by Commissioner Joe Ford. c) Resolution approving the County Mayor's nomination of Lee Askew III, Gene Holcomb, Joel Kimbrough, Morris Ray and Darrell Thomas for reappointment and Brenda Hardy and Steven E. Priddy for appointment to the Shelby County Healthcare Corporation. Sponsored by Commissioner Joe Ford.
43. Resolution of adjournment to Monday, December 8, 2008 at 1:30 p.m.